

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) NO. 03-30047-MAP
)
MELVIN RICHARDSON)

DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL
FEDERAL RULES CRIM. PROC. RULE 29(a)

Now comes the defendant in the above entitled action and moves this Honorable Court for an order pursuant to Fed. Rules Crim. Pro. Rule 29 (a) for entry of a judgment of acquittal as to all counts, and as his basis, therefore asserts the following:

Count One - Possession of cocaine base with intent to distribute - Viewing the evidence in a light most favorable to the Government the record evidence is insufficient to establish:

- (1) a specific intent to distribute
- (2) cocaine base
- (3) a mature or substance containing crack cocaine
- (4) the cocaine base which was the subject of an intent to distribute involved five grams or more

Count Two - Possession of cocaine with intent to distribute - Viewing evidence in light most favorable to the Government the record evidence is insufficient to establish:

- (1) a specific intent to distribute

Count Three - Possession of cocaine base with intent to distribute - Viewing the evidence in a light most favorable to the Government the record evidence is insufficient to establish:

- (1) a specific intent to distribute
- (2) cocaine base
- (3) a mixture or substance containing crack cocaine
- (4) the cocaine base which was the subject of an intent to distribute involved five grams or more

Count Four - Felon possession of a firearm - Viewing the evidence in light most favorable to the Government the record evidence is insufficient to establish:

- (1) firearm
- (2) possession in or affecting interstate commerce
- (3) crime punishable by a term exceeding one year

CONCLUSION

For all the foregoing reasons alleged, the defendant is entitled to the relief requested.

THE DEFENDANT

BY: /s/ Vincent A. Bongiorno, Esq.
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CERTIFICATE OF SERVICE

I, Vincent A. Bongiorno, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to the Assistant United States Attorney, Paul Smyth, United States District Court, 1550 Main Street, Springfield, MA. 01103 this 30th day of March 2006.

/s/ Vincent A. Bongiorno